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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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10/796,397

03/09/2004

Robert Falotico

CRD-5068

1881

27777 7590 02/11/2009
PHILIP S. JOHNSON
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NEW BRUNSWICK, NJ 08933-7003

EXAMINER

HAGOPIAN, CASEY SHEA

ART UNIT

PAPER NUMBER

1615

MAIL DATE

DELIVERY MODE

02/11/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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| APPLICATION NO./ CONTROL NO. | FILING DATE | FIRST NAMED INVENTOR / PATENT IN REEXAMINATION | ATTORNEY DOCKET NO. |
|---------------------------------|-------------|---|---------------------|
| 10796397 | 3/9/2004 | FALOTICO ET AL. | CRD-5068 |

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EXAMINER

Casey S. Hagopian

| ART UNIT | PAPER |
|----------|----------|
| 1615 | 20090204 |

DATE MAILED:

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Commissioner for Patents

The reply filed on 11/10/2008 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the Double Patenting rejection has not been addressed. Applicant requested that rejection be deferred until allowable subject matter is indicated (Remarks at page 7), however according to 37 CFR 1.111, it is improper to request a rejection be held in abeyance. 37 CFR 1.111 states,

The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated.

The double patenting rejection falls into neither the category of an objection or a requirement to form. Thus, applicant is required to address said double patenting rejection.

Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Casey Hagopian whose telephone number is 571-272-6097. The examiner can normally be reached on Monday through Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward, can be reached at 571-272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Casey S Hagopian/
Examiner, Art Unit 1615
PTO-90C (Rev.04-03)

/MP WOODWARD/
Supervisory Patent Examiner, Art Unit 1615